

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 30, 2002

IN RE:

PETITION OF MCIMETRO ACCESS )  
TRANSMISSION SERVICES, LLC AND )  
BROOKS FIBER COMMUNICATIONS )  
OF TENNESSEE, INC. FOR )  
ARBITRATION OF CERTAIN TERMS )  
AND CONDITIONS OF PROPOSED )  
AGREEMENT WITH BELL SOUTH )  
TELECOMMUNICATIONS, INC. )  
CONCERNING INTERCONNECTION )  
AND RESALE UNDER THE )  
TELECOMMUNICATIONS ACT OF 1996 )

DOCKET NO.  
00-00309

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ORDER GRANTING JOINT MOTION FOR  
ARBITRATORS TO RESOLVE ISSUE

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This matter came before the Directors of the Tennessee Regulatory Authority ("Authority"), acting as arbitrators, immediately following the April 16, 2002 Authority Conference for consideration of the *Joint Motion for Arbitrators to Resolve Issue* filed by BellSouth Telecommunications, Inc. ("BellSouth") and WorldCom subsidiaries, MCImetro Access Services, LLC and Brooks Fiber Communications of Tennessee, Inc. (collectively "WorldCom").

The Arbitrators held a hearing in this docket on May 7th and 8th, 2001. As a result of the hearing and negotiations preceding the hearing, the parties resolved many issues, however, the following twenty-eight (28) issues remained unresolved: 6, 8, 18, 28, 34, 35, 36, 37, 40, 42, 45, 46, 47, 48, 51, 52, 55, 56, 61, 62, 63, 64, 67, 68, 80, 95, 100, and 110. Following the December 18, 2001 Authority Conference, the Arbitrators deliberated the

merits of these issues and ordered the parties to file final best offers on Issue Nos. 55, 67, and 95 and to brief Issue No. 67 by January 11, 2002. As directed, the parties filed their final best offers on each of the three outstanding issues and briefs on Issue No. 67 on January 11, 2002. Following an Authority Conference on February 26, 2002, the Arbitrators deliberated Issue Nos. 55, 67, and 95 and ordered the parties to submit their interconnection agreement by March 28, 2002.

Instead of filing their interconnection agreement on March 28, 2002, BellSouth and WorldCom filed their *Joint Motion for Arbitrators to Resolve Issue*. In the motion, the parties requested the assistance of the Arbitrators in resolving a disagreement over contract language related to Issue No. 28. The parties agreed that if the motion were granted, each would file comments regarding their respective proposed contract language.

The Arbitrators deliberated the *Joint Motion for Arbitrators to Resolve Issue* following the April 16, 2002 Authority Conference. During the deliberations, a majority of the Arbitrators determined that permitting the parties to file comments could result in delay and that such delay would be unwarranted given that the parties had numerous opportunities to put forth their positions on Issue No. 28. Thereafter, the majority voted to grant the motion and to direct the parties to file their proposed language by Friday, April 19, 2002 at 2:00 p.m.<sup>1</sup>

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<sup>1</sup> Chairman Kyle did not vote with the majority. Instead, she stated that she had no objection to permitting the parties to file comments as well as proposed language.

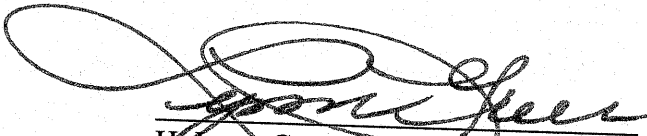
**ORDERED:**

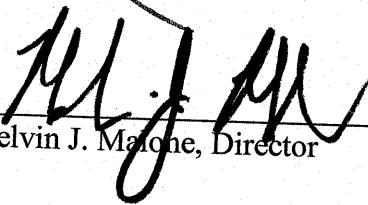
The *Joint Motion for Arbitrators to Resolve Issue* is granted. The parties shall file final best offers consisting of the proposed language related to Issue No. 28 by **Friday, April 19, 2002 at 2:00 p.m.**<sup>2</sup>

TENNESSEE REGULATORY  
AUTHORITY,  
BY ITS DIRECTORS ACTING AS  
ARBITRATORS

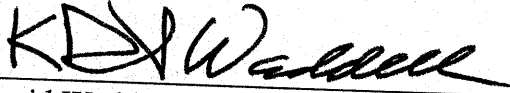
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Sara Kyle, Chairman<sup>3</sup>

  
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H. Lynn Greer, Jr., Director

  
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Melvin J. Malone, Director

ATTEST:

  
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K. David Waddell, Executive Secretary

<sup>2</sup> BellSouth and WorldCom filed their proposed language on April 19, 2002.  
<sup>3</sup> Chairman Kyle did not vote with the majority.